

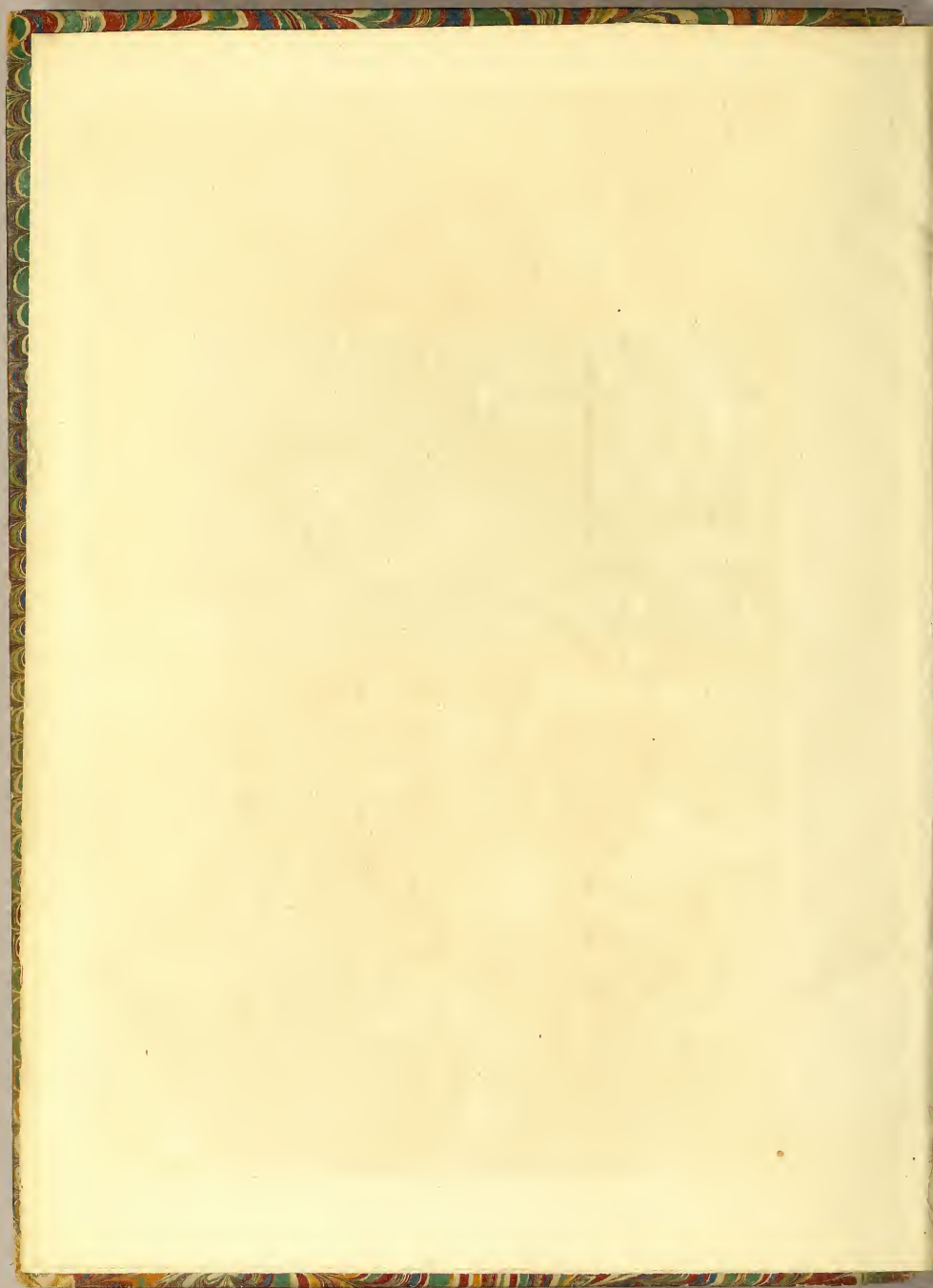


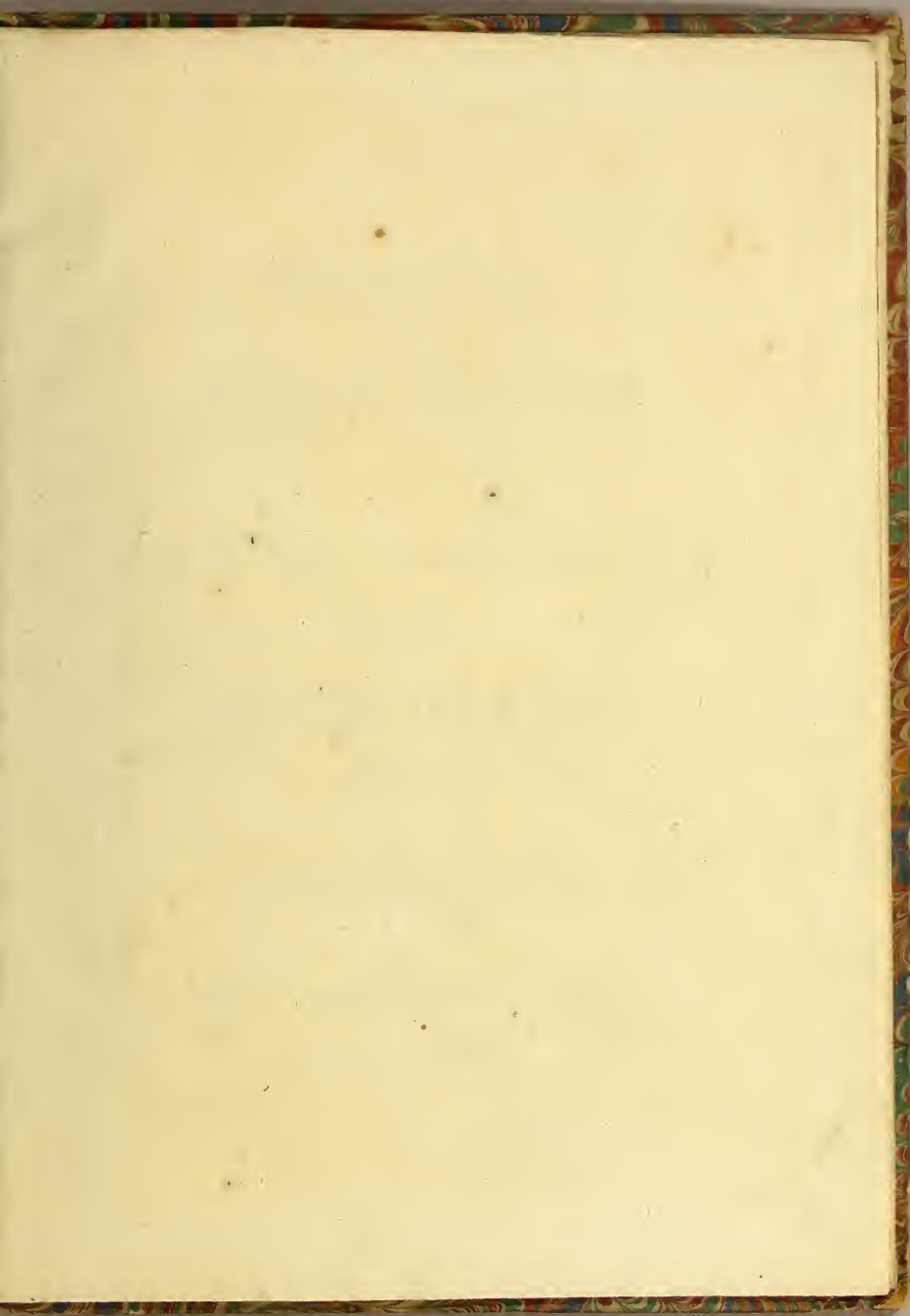
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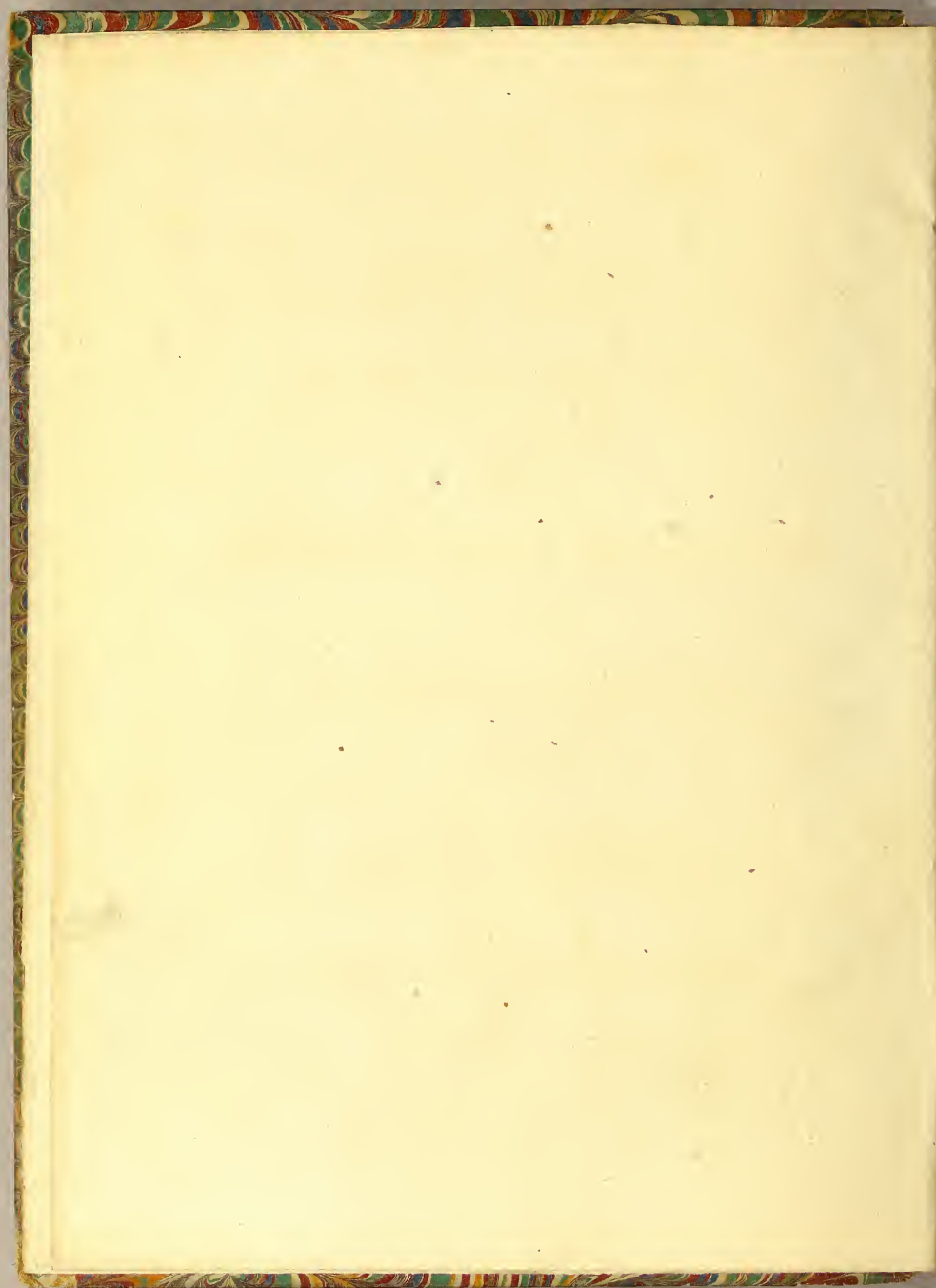


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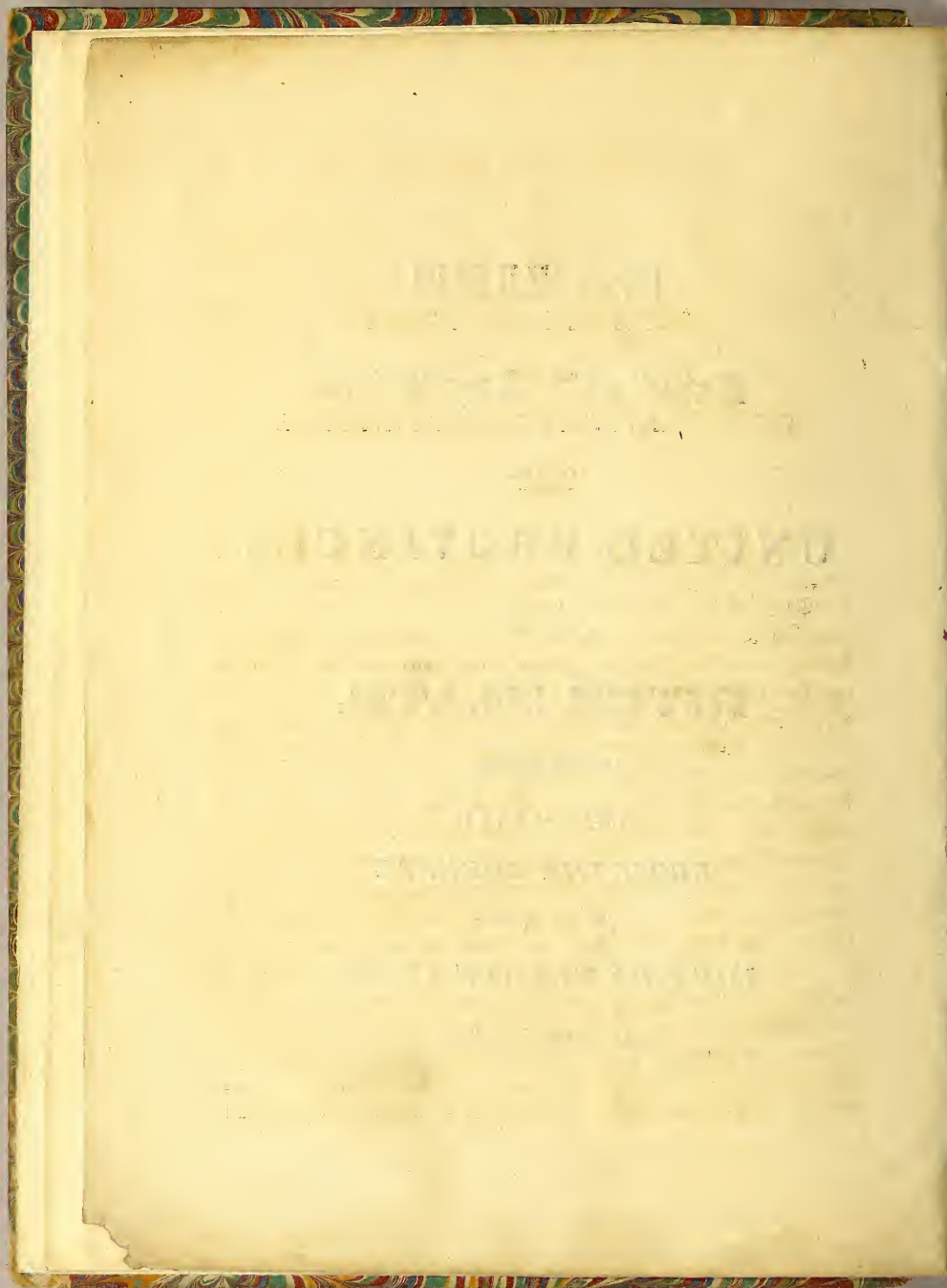






MARINE
Laws and Regulations
OF THE
UNITED PROVINCES
OF THE
RIVER PLATE.

TRANSLATED
FROM THE ORIGINAL
GIVEN IN THE
FORT OF BUENOS-AYRES,
MAY THE 15th, 1817.



THE
SUPREME DIRECTOR
OF THE
UNITED PROVINCES OF SOUTH AMERICA.

THE cruel war which Ferdinand the Seventh, has, since his restoration to the throne of his ancestors, carried on by means of tyrants against all those parts of the new world which has reclaimed its natural rights, demands the means of a just retaliation to make the Spanish nation feel the consequences of the barbarous obstinacy of its monarch infatuated by corrupted ministers, against the just clamours of the injured Americans. Humanity insulted by cruel agents from the Court of Madrid, and the infraction of divine and human laws, has guaranteed thus far the devastations and incendiaries committed by the Spanish chiefs in every corner of America where they have unfortunately trod, would justify in the opinion of the whole world any act of reprisal; but not wishing to stain the sacred principles on which the emancipation of the United Provinces of South America are founded with determinations unworthy of the illustration of the present age, and intending to follow the system of warfare in use with civilized nations, and being convinced of the progress acquired by the privateers of the free governments of America, I have resolved to extend as far as possible hostilities by sea, and to make more manifest the damages which King Ferdinand confesses in his decree of the 8th of February last, his subjects have already suffered by this species of warfare, sustaining it rigorously till such time as Spain shall

have acknowledged the independence proclaimed by the Sovereign Congress of the State, of whose direction and security I am entrusted ; and for the more effectually intercepting the commerce and navigation of that country by means of opposition of naval forces fitted out in due form either national or by private individuals, I have resolved that henceforth the cruising shall continue against the subjects of Ferdinand the Seventh and their property according to the articles which are contained in the following Provisional Regulations.



Provisional Regulations for Privateering.

ART. I.

The Government will grant commissions for privateering to all persons who solicit licence to arm any vessel against an enemy's flag, previously giving the bond required by the Marine Commissariat; explaining at the same time the class of the intended vessel, burthen, armament, and crew that are to be appointed.

(2)

The licence being granted for fitting out a privateer, the Commandant of Marine will facilitate the equipment of the vessel with all the possible means in his power, allowing such number of crew to be embarked that are necessary, excepting those that are actually in the service of the State. The vessel being equipped, a copy of these Regulations will be given to the captain, together with the private instructions of the Marine Department, as to the mode in which he ought to conduct himself in certain cases with neutral vessels, especially those belonging to nations whose flags enjoy particular privileges founded on treaties or agreements, for the due observance of that part relative to him.

(3)

All officers of privateers are considered under the protection of the laws of the state, and shall enjoy, although foreigners, all rights and privileges, the same as any American citizen, as long as they continue in the service.

(4)

All owners of privateers are at liberty to make agreements with their officers and crews to their mutual satisfaction, providing they do not contain clauses contrary to the decrees or instructions of this Government; and, at the same time, by their leaving a duplicate of such agreement, the General Marine Department will enforce the punctual observance thereof.

(5)

The Government will supply the owners, upon their giving adequate security, from the arsenal, such arms, powder, and shot, as may be necessary for the equipment of the privateer, on condition, that, at the expiration of the cruise, to return the articles supplied, free of charge for what has been consumed or damaged in the service: and they shall also be acquitted of all responsibility in case of wreck or capture of the vessel.

(6)

A Commissioner from the General Marine Department shall visit all privateers prior to their departure, and shall read the penal laws, an annotation of which shall be made in the visit, and a copy of them be given to the captain for the purpose of their being read to the crew every week, and such privateers as are fitted out in friendly ports, shall be visited by the consuls or agents of the Government, according to their private instructions.

(7)

All merchandize, liquors, and other articles for the consumption of the country proceeding from the cargoes of prizes, shall pay the same Custom-house duties as any other cargo of merchandize, including all the separate charges; and the third part of the whole of the duties shall be deducted for the benefit of the captors.

(8)

All prizes must be sent into the ports belonging to the State, to be legally judged according to the custom in such cases, but providing any extraordinary circumstance should occur to prevent the same, the captain of the privateer shall do every thing in his power for the safety of the prize, preserving the necessary documents for the trial, which documents must be presented in proper time, to the tribunal appointed.

(9)

Gold or silver, in coin or bars, shall pay six per cent to the Government, in compensation for the grants made in the 5th and 7th Articles, as being the capital arising from capture.

(10)

Plate and jewels shall pay the same import duties as other merchandize, according to their valuation.

(11)

Privateers that capture and take important communications, officers of rank, &c. or commit other hostilities of the like nature, shall be rewarded in a manner worthy of the generosity of the Government, in proportion to the service rendered.

(12)

The Government offers a reward to all privateers who capture an enemy's transport with troops, ordnance, ammunition, or other

warlike stores destined to the hostilization of the Free Countries of America, or to reinforce any part of the Spanish dominions, which shall be regulated according to the case and circumstances, and in proportion to the contents of the prize.

(13)

All commanders of privateers destined to destroy the Spanish commerce, without being cruel in the treatment of prisoners, shall burn or otherwise destroy all vessels that they shall take on the high seas that are not worth being sent to our ports; and all captains are forbid, under the severest penalties, the delivery to the enemy, under any pretext whatsoever, any vessel of that description, it being considered an hostility to the country, all favours of this nature.

(14)

All prize vessels shall be free of duties, except port charges.

(15)

Captured warlike stores shall be free of duty: and in case the Government requires such stores, they will take them at an abatement of 10 per cent less than the current price.

(16)

Negroes captured shall be sent to our ports, and the Government will give a premium of 50 dollars for each of those from 12 to 40 years of age inclusive, that are capable of bearing arms, with the condition of their serving four years in the army, and shall be introduced free of duties. All exceeding 40, and less than 12, or incapable of service, they shall be entirely free, and the Government will distribute them for instruction.

(17)

Negroes captured that cannot be sent into our ports, in case of blockade, inability of the vessels, or other unavoidable cause, shall

be sent to the Free Nations of America, to be placed at the disposal of those Governments, with the express condition that they shall not be sold for slaves: transgressors in such cases shall be excluded from all privileges (let their services be of the greatest importance,) and protection of the laws of a country that detests slavery, and has prohibited this barbarous human traffic.

(18)

The recognizance of prizes either brought or sent to our ports by privateers shall belong exclusively to the Prize Court.

(19)

The sentence of the tribunal having declared the prize illegal, and no cause for detention, she shall be immediately liberated, without port or any other charges; and if under this or any other pretext she should be detained, all damages, losses, &c. that may result to the owners, shall fall on those that occasion the vessel's detention.

(20)

In case the captors should be dissatisfied with the sentence of the tribunal, and should wish to proceed further in the cause; through a special power from the concerned, an appeal to my person will be admitted, they giving first the competent bond, which must be to the satisfaction of the captured captain before the appeal can be admitted, for their answering to all losses that may result to the owners from the detention of the vessel and cargo, loss of time and freights, and such like occurrences, that may be claimed of the captors after the confirmation of the primitive sentence. These losses and the costs of the process shall be paid by the latter to the captured captain before he leaves the port, and in case they should not be able to make good the said payment, recourse will then be had to the bond or person that gave security, obliging the fulfilment of the same, without any other formality or loss of time, and with all the rigour of the law.

(21)

No individual that receives pay from the Marine Department, shall demand any salary or gratification for any service that he or they may have rendered in the Prize Court: and it is further prohibited the adjudication or appropriation to themselves of any merchandize or effects belonging to prizes, under pain of confiscation and privation of employ.

(22)

All privateers can search the merchantmen of every nation, and oblige them to shew their registers, passports, deeds of appurtenance, charter-parties, log books, muster-rolls, or lists of the passengers and crew. This investigation shall be taken without using violence or occasioning unnecessary delay to the vessels, either by going on board the said vessels or obliging the commander or captain to come on board with the beforementioned papers, which are to be examined with care either by the captain or the interpreter that may be on board for such purposes, this examination having taken place, and no cause found for further detention, they will be permitted to proceed on their voyage. If any vessel should resist to submit herself to this regular investigation, measures may then be taken to compel her; but, upon no consideration are the officers or crew of privateers to demand any contribution from the captain, officers, passengers, or seamen of the vessel that they search, neither commit nor permit any violence of any kind to take place, under pain of exemplary punishment, extending it to death, according to the enormity of the transgression.

(23)

Vessels having on board merchandize belonging to enemies, and the captains thereof should declare the same voluntarily, the transshipment of the same shall take place without unnecessary delay,

providing the safety of the vessel permits it; and in such case a receipt of the goods transhipped shall be given to the captain, explaining in the same all the particulars that have occurred, and, providing the captain of the privateer should not be able to pay the amount in cash for freight for said goods to their destined port, agreeable to the bills of lading or charter-parties, a promissory note or draft for the amount shall be given on the owners of the privateer, which he or they shall be obliged to pay on presentation; and also, the captains of privateers in such cases must bring the depositionn signed by the captain of the detained vessel, and authenticated in the best possible manner.

(24)

All vessels that may be found navigating without proper registers from Princes, States, or Republics that have authority to give them, as also those who fight under any flag than that of the nation they belong to, or that have registers of two or more Princes, Republics, &c. such vessels shall be declared lawful prizes, and providing they are armed vessels all the officers and crew shall be considered pirates.

(25)

Vessels that are pirates, and those whose crews have revolted, shall be lawful prizes, together with all merchandize that is found on board, except they are proved to belong to individuals that neither directly nor indirectly aided in the piracy, nor belonging to enemies, in such cases they shall be restored.

(26)

In this state it being illegal to arm any vessel without my licence, nor admit for this purpose any register or commission from any prince or republic, although in alliance: whoever shall be found cruising with such commission, &c. or without any, shall be declared a lawful prize, and the commander or captain chastised as a pirate.

(27)

All classes of vessels, whether armed or not, navigating under an enemy's flag, or with an enemy's register, shall be lawful prizes, with every thing found on board, although belonging to individuals of this place, if they have embarked them after the declaration of war, and sufficient time elapsed for them to have had notice of it.

(28)

Merchant vessels of any nation whatsoever; that should make any resistance after the privateer has hoisted her flag, shall be declared a lawful prize, unless the captain can prove that the privateer gave sufficient cause for such proceeding.

(29)

Any vessel that has not the documents specified in the 22nd. Article, such as the register, bills of lading of the cargo, or others that prove the neutrality of that and the vessel, shall be declared a lawful prize, unless it can be proved that they were unavoidably lost. All documents or papers presented must be signed in the customary manner, before they can be admitted.

(30)

If the captain or any other persons belonging to vessels detained, either by privateers or armed vessels belonging to the state, should throw any papers into the sea, and this can be proved in due form, they shall for this sole act be declared lawful prizes, in this manner the preceding article and all others that treat on this subject are to be understood.

(31)

All privateers are prohibited to attack, or to commit any hostilities, or take enemy's vessels that are in ports of neutral or allied princes or states, as also those that are within gun shot of their fortifications;

declaring, to obviate all doubt, that it is considered being within gun shot although there are no batteries near where the prize should be taken, providing the distance is the same, and that the enemy likewise respect the like immunity either in neutral or allied ports.

(32)

All vessels that any privateer should take either in the ports or within gun shot of the territories of allied or neutral sovereigns, even if they should be chased or attacked at sea, and captured in a place that ought to enjoy freedom, providing the enemy respect the same, shall be declared illegal prizes.

(33)

Any privateer that recaptures a national vessel after having been in the enemies possession 24 hours, shall be remunerated with half the value of the prize, the other half remaining for the original owner of the captured vessel, making this division in as brief and summary manner as possible, to moderate as far as possible the charges. But providing the reprisal is made after the vessel has been more than 24 hours captured, the privateer shall receive the whole value of her.

(34)

If any vessel should be found at sea or enter our ports without bills of lading of the cargo, or other documents to prove to whom it belongs, and not having on board her original crew, separate declarations shall be taken of the captor and crew, stating the circumstances relative to their finding and taking possession of her. The cargo also shall be inspected by proper persons, and every recourse taken to find the owner. In case of not discovering the owner, an inventory shall be taken of every thing on board and deposited, to be restored to such person or persons who can prove, before the expiration of 12 months, to be the right owners, providing there is no cause for

declaring her a legal prize, adjudicating always the 3d part of her to the finders: in case the owner does not appear within the said time, the two remaining third parts shall be divided as abandoned property in three equal parts, one of which shall be for the finders, and the other two for the treasury.

(25)

In any of the before mentioned cases, as soon as a privateer detains any vessel, care must be taken to collect all her papers, the clerk taking punctual account of the same, giving the captain or master of the detained vessel a receipt for those of importance, and advising him not to conceal any that he may have, as only those which he then presents will be admitted to judge the prize. After the execution of this, the captain shall seal the aforesaid papers in a bag or parcel, which shall be given to the prize-master, for him to deliver them to the Government. If the captain or any individual of a privateer, on any pretence whatsoever, should occult, tear, or loose through neglect any of the said papers, he or they shall be corporeally punished according to the merits of the case, the first being under the obligation to make good the damages, and the second, to ten years hard labour.

(36)

At the same time the captain of the privateer shall take care to fasten and seal the hatches of the detained vessel in such a manner as they cannot be opened without breaking the seal, and to collect the keys of the cabin and other places, placing in safety all goods that may be found on deck, taking account when the weather permits, of every thing that is liable to be lost, and put it under the charge of the person destined to the command of the said vessel.

(27)

No plundering shall be allowed of the goods found upon deck, or in the cabins or births of the crew, prohibiting that privilege

which can only be tolerated in cases where the vessel has resisted until boarded, but with care to avoid the disorders that may result from excess from such permission.

(38)

When the crew of any detained vessel are conducted on board the privateer, the clerk in presence of the captain shall take separate declarations of the master, mate, or other individuals as may be necessary of the detained vessel, concerning her navigation, cargo, and other circumstances relative to their voyage, stating in writing every circumstance that may be conducive to judge the prize, making enquiry also of them, besides the cargo manifested in the bills of lading, there are on board any jewels, plate, or goods of value, for the purpose of taking the necessary steps to prevent their being secreted.

(39)

The prize-master destined to command the detained vessel, shall have particular notice of the substance contained in these declarations making him responsible for whatever, through his omission or neglect, should be wanting; and it is declared, that if any individual, should break open the sealed hatches, closets, chests, bales, pipes, which contain goods or merchandize, without licence, shall not only loose his share of prize-money, the vessel being condemned, but shall be prosecuted according to the result of the same.

(40)

To determine the legitimacy or illegitimacy of prizes, no other papers will be admitted than those found and manifested on board. Notwithstanding, however, if the necessary documents should be wanting, and the captain should offer to prove, by an inevitable accident, he had lost them, the tribunal shall grant a sufficient time for that purpose, regulating it according to the brevity such causes ought to be determined.

(41)

If, previous to passing the sentence on the prize, it should be necessary to discharge the whole or part of the cargo, to prevent its being spoiled, the hatches shall be opened in presence of the Commandant of Marine, or Commission appointed by him, with the respective individuals concerned, who ought to be present: and take an inventory of the goods discharged, and deposit them with the intervention of the Excise officer appointed by the Administrator of the Custom-house, into the possession of a person of confidence, or deposited in warehouses, of which the captain or master of the detained vessel, shall have a key.

(42)

In case it should be necessary to sell any goods, their preservation being impossible, they shall be sold by public auction, in presence of the detained captain, with the accustomed formalities, and with the same intervention of the Excise officer, placing the proceeds into the hands of a person of confidence, for his delivery to whom they may belong after the sentence of the prize has been passed.

(43)

No person of whatever class or condition, shall secretly purchase, nor hide any goods that he knows belongs to any prize or detained vessel, under the penalty of restoring the same, and being fined triple the value of the goods secreted or clandestinely purchased; and even corporeal punishment, should the merits of the case deserve it. This recognizance shall belong exclusively to the Prize Court, as incidental to them.

(44)

If the detained vessel should not judicially be declared a legal prize, she shall be immediately put into the possession of the captain

or owner, with her officers and crew, to whom shall be restored without detaining the smallest article, every thing that belongs to them. The vessel shall be provided with a passport, that she may proceed on her voyage without being again detained, and being exempted from port charges; and on the contrary, the captor shall make good, before she leaves the port, all expences, damages, and losses that she may have sustained, to be claimed of him with justice, if she should be comprised in the 22nd and 30th Articles. But no such claim can be admitted if the said vessel has given sufficient cause for suspicion, or others mentioned in these Regulations, on which the process shall be formed, and that must positively appear on the judicial briefs made in consequence.

(45)

Should the detained vessel be declared a legal prize, the captors shall be permitted the free use of her, after having paid the duties due to the Government. The total value proceeding from the sale of prizes taken by vessels of war shall be divided into two parts, the one of three fifths for the seamen and marines, and the other of two fifths for the officers. No individual belonging to the Marine or other corps that should be on board as passenger, or transported at the time of capture, shall be included under any pretext whatsoever in the division of the prize-money: but it is the duty of the commander of the vessel to inform the Commander in Chief of Marine of such individuals on passage or transportation, that have distinguished themselves during the action, for the purpose (if it should appear accurate) of ordering them to receive the share corresponding to their rank the same as if they had belonged to the crew of the vessel.

(46)

By the present Provisional Regulations all former Decrees, Orders or Regulations contrary to these are declared null and void.

Given in the Fort of Buenos-Ayres, on the 15th of May, 1817.—
Juan Martin de Pueyrredon—*Matias de Irigoyen*, Secretary of
War and Marine.

This is copy of the original.

Irigoyen.

Penal Laws applicable to Officers.

(1)

Whosoever should strike the flag without the express order of the captain, given personally and directly, or should connive at or induce it to be done, shall suffer death: as also he or they who should force the captain to surrender, or attempt the union of others for that purpose, which being proved by the commander or captain, as having been useless all his endeavours to maintain order and subordination, he shall be exempted from all responsability.

(2)

For the loss of any vessel a Court Martial shall be held on her commander, who shall be acquitted of all responsability if it can be proved to have been unavoidable, notwithstanding every possible endeavour had been used for its prevention. In case it should be proved to have been through malice, he shall be sentenced to death,—ignorance, privation of employ:—omission, or neglect, imprisonment and hard labour, as the sentence of a Court Martial shall determine.

(3)

If any officer should conceal, destroy, or throw away for whatsoever purpose, the contracts, charter-parties, bills of lading or cockets of the cargoes, or other documents relative to them or the owners, captain, passengers, or crew, or letters or any other papers found on

board of any detained or captured vessel, shall be discharged. This and worse punishment, according to the merits of the case, shall be inflicted on the officer that compels the captain, passengers, or crew of vessels they search, to make unlawful contributions.

(4)

All commanders, of whatever rank, are expressly prohibited from using with their officers, or inferiors, humiliating language or actions; neither injure or insult them, under pain of being declared incapable of command.

(5)

The commander or officer that should ill-treat the seamen or marines under his command, or compel them to servile occupations, not being attached to their duty, shall be sentenced by the Court Martial to suspension of employ: or worse punishment, if such ill-treatment should have occasioned mutiny, or considerable desertion, and to be compelled to make good the damages and losses that he may have occasioned.

(6)

All officers are prohibited to take arms one against another, either on board or on shore: such offender shall lose his commission, and death of him who is proved to be the aggressor.

(7)

In case the misconduct of commanders of vessels, corps, or detachments, should give motives for them to encourage their subalterns to act offensively against those of any other vessel, corps, or detachments: the officers, seamen, and marines are prohibited to obey them, under pain of every tenth losing his life; and the commander of the vessel, corps, or detachment shall suffer the same punishment, if, with those under his command, should act offensively against those of others, knowing them to be such.

(8)

The commanders of vessels, being on deck, ought to correct the defects either in the management, discipline, or government of the officer of the watch, and he must obey him in such under pain of being punished for insubordination. For the same motive every officer shall be punished that does not obey the order of arrest given him by his superior officer, such disobedience must be immediately given account of to his commander.

(9)

No commander can inflict corporeal punishment on any commissioned or warrant officer, or sergeant, but with arrest or confinement proportioned to their rank. In case of disobedience, he can suspend the employ of all except commissioned officers, giving notice to the commander in chief that the offender may be tried by a court-martial: the same with all those who commit crimes that ought to be tried by this court.

(10)

No privateer shall give or receive a salute without her proper flag, nor fight under a false one, under pain of privation of employ to the officer that gave the order for its being hoisted, and greater punishment according to the merits of the case.

.....

*Punishment for Crimes common to Seamen and
Marines on board.*

(1)

All warrant officers, sergeants, corporals or privates, of the marine, artillery, or seamen, must obey the commissioned officers both of the army and navy with whom they are employed, in every thing

appertaining to the service, and according to their separate stations, under pain of death.

(2)

The warrant officer, sergeant, corporal, or seaman, of whatever class, that ill-treats, either on board or on shore, any commissioned officer, or should threaten, by putting his hand to his sword, or raise his arm to strike, or take for that purpose any weapon against such commissioned officer, although having received provocation, by ill-treatment from him, shall be punished by first having his hand cut off, and then hanged.

(3)

When any of the seamen or marines, either on board or on shore, take arms for the purpose of acting offensively against each other, and the commissioned officer ordering them to desist, they shall immediately, under pain of being tried by a Court Martial, extending the punishment even to death, according to the merits of the case. And if any seaman or marine should act in resistance to the orders of the sergeant or corporal of the guard, he shall be sentenced to ten years imprisonment and hard labour; and those with their accomplices, of whatever class, who take up arms against such persons, shall suffer death; also all those that excite quarrels or disputes between the seamen and marines on board, or should do any action or should vociferate or induce others to aid in mutiny or sedition, shall be sentenced to death; likewise he or they, on any occasion whatsoever, should cause the crew of a vessel to mutiny, exciting disobedience to the commands of their officers, shall receive the same punishment. And if any person should take up arms either on board or on shore to the aiding or assisting in mutiny, shall have his hand cut off.

(4)

All subalterns, of whatever class, that fail in the proper respect due to their superiors, either by using improper language, or insult.

by act or deed, shall be tried by a Court Martial, although the case may not actually be specified in these Regulations, and the Court will determine the punishment according to the circumstances of the case, and the difference of rank between the aggressor and the aggressed, extending the punishment to that of death; and to avoid these disagreeable events, officers will guard against harshness in their manner of reprimanding or correcting their subalterns, as every abuse of authority will be severely punished.

(5)

Every individual belonging to the crew of a vessel, shall receive the daily allowance of rations, pay, &c. and in case the whole should not be forth coming that is allowed by the Victualling Board, there has existed some motive for its being stopped, and there always remains means of redress for such cases which I shall keep in mind: but if any seaman or marine should refuse to receive his pay, rations, &c. and use seditious language, that might be the cause of mutiny, he shall be punished, extending it to death, according to the circumstances.

(6)

Every individual belonging to the crew of the vessel have a right to represent, with due submission, to his commander, such grievances as he may lay under, and in case of not being attended to with justice, he may then appeal to the Commander in Chief of Marine; but if any individual should complain of his superiors without cause, or should in any manner shew insubordination, he shall be severely punished: and should it cause dissention in others, he shall be tried and punished according to the sentence of a Court Martial. It being understood, in cases of seamen or marines having to make complaints with respect to pay, provisions, treatment, or other causes, shall appoint a delegation of 4 or 5 persons, who shall with due submission represent their grievance to the commander of the vessel.

to whose disposal they shall submit under pain of death; but, providing they may have received an injury, they shall have satisfaction.

(7)

All accomplices in mutiny or rebellion, for whatever reasons he or they may alledge, shall cast lots for every tenth person to be hanged, and those that take an active part as instigators or ringleaders, although not belonging to the crew, being passengers, such offender or offenders shall be hanged. Any vessel, cruising by herself, being in a state of mutiny, the commander deeming indispensably necessary, for the preservation of the vessel, the immediate punishment of the instigators or ringleaders in such mutiny, he shall give orders for the proceeding on the process to one of his officers, or the purser, but in case he deems it expedient, that there may be more judges on the trial, the attendance of the whole of his officers, forming a Court Martial, with the accustomed formalities, causing the sentence of the Court to be put in execution. If mutiny should take place at the time of an enemy being in sight, or other urgent occasion, its cessation being an object of great importance, the captain shall hold a consultation with his officers, respecting the measures to be taken; but if the case is such, and will not give time for consultation the officers must proceed to make prisoners some of the mutineers, and if these should not, without reserve, name the authors of the disturbance, they shall cast lots which are to be shot.

(8)

According to the sentence of the Court Martial, death or other punishment shall be inflicted on such person or persons, that knowing of any design of mutiny or sedition, or has heard mutinous expressions, spoken in contempt of the service, or other demonstrations with intent to bring on disorder and disobedience, and should not with their own accord make the same known to the commander;

or being present at a seditious meeting, not using every possible means in his power for its prevention.

(9)

Any individual, that should cowardly leave his post, and hide himself during action, or should after its commencement, raise a cry for its cessation, or strike the flag without express orders of the commander, given personally and directly, or dissimulate or induce it to be done, although he or they not belonging to the crew, being passengers, such offender or offenders, shall suffer death. And any individual, on these occasions, should see or hear any person attempting to excite the crew to oppose the resolutions of the commander, and does not immediately inform the officer or sergeant that is nearest to him, or if in action or shipwreck, the launch or other boats being alongside, the coxswains should leave the vessel without the orders of the commander, for the purpose of desertion, they shall suffer the same punishment; but if they can prove that they were compelled by their crews, they shall be acquitted, and those that cooperated in such act of violence shall suffer death.

(10)

When the vessel is weighing her anchor or mooring, preparing for action, in danger by storm or other accident, the officers, seamen and marines shall be considered on duty, and if any seaman or marine should absent himself from his station, on such like occasions, or on his regular watch on deck, he shall be fastened with two bar-shot on his feet in the shrouds till the expiration of the preceding watch, or punished by having his allowance of spirits stopped for a certain quantity of days. Marines to be punished with the same privation of spirits, and being put in the stocks or in irons, for leaving their appointed stations, or posts when on guard. The muster-roll ought to be frequently called both in the day and night, for the pre-

vention as well as detection of those that absent themselves, and that such offenders may be punished.

(11)

When a vessel being aground, and should be attacked by the enemy, and the determination of her commander should be to defend her, no individual shall leave her, under pain of death; or the vessel being stranded on the coast, by storm or other accident, any person that leaves her without the orders of the commander, shall be sentenced to ten years imprisonment and hard labour; and whosoever, in case of shipwreck, conflagration, or other danger, should absent himself from his station, except through extreme necessity, or abandon the employ allotted him by his superiors, shall be tried by a Court Martial, and sentenced in proportion to the results of his disobedience to the corresponding punishment which according to circumstances may be extended even to death.

(12)

Whoever maliciously sets fire to a vessel or warehouse, or should be accessory to such act, or cut the cables for the purpose of loosing the vessel, such offender or offenders shall lose their lives, although they may not be under the jurisdiction of the Marine, but shall be tried and sentenced by its Court Martial; the same punishment shall be inflicted on any person or persons, who should for the purpose of foundering the vessel, bore a hole in the vessels side, unrip the seams of her bottom, cut or unreve her principal ropes, when in action near shore or between shoals; also the helmsman that occasions the vessels loss by not having steered the course ordered by his commander or officer of the watch: in the same manner shall be sentenced by the Court Martial according to the circumstances and the results, any individual who should purposely bore a hole in the cask or casks of water that are appropriated for the use of the ship.

and thereby place the crew in danger; or should mix with the provisions improper ingredients that may cause disease among the crew or impede the progress of an expedition.

(13)

If, through disputes arising between the officers or commanders of vessels, corps, or detachments, either on board or on shore; should be the means of such persons causing those under their command to act offensively against those of an other vessel, corps, or detachments; every individual is prohibited to obey in such cases, under pain of one out of ten losing his life.

(14)

Any person that deliberately kills or severely wounds, shall suffer death: also, any individual that should treacherously inflict a wound and thereby occasion death; but, in cases, where wounds inflicted, that are not mortal, the aggressor shall be sentenced by a Court Martial to ten years imprisonment and hard labour: other crimes of this nature shall be punished according to the circumstances.

(15)

Any person on board that takes a knife or other weapon to wound another, and so proved, shall be sentenced to receive, if a marine, 25 strokes with a stick: and a seaman, the same number of lashes across his shoulders, although they not having effected their purpose: but if effected, the Court Martial shall impose the corresponding punishment, without any impediment to others treated of in this or other Articles, which ought to be applied when the fact is proved by process; and besides which, the transgressor shall pay the expences of cure, and make good the wages of the wounded person for the loss of time.

(16)

Whoever on board should take up arms against a centinel, or should make use of a stone, stick, or his hands to assault him, shall suffer death; and in case of such offender being a citizen, he shall be tried by the officers' Court Martial, without the intervention of the court he belongs: it being understood, that every centinel that should discover an intention in any one to attack or insult him, he shall advise him to desist, calling to his corporal to inform the officer of the guard, and if, notwithstanding, he should then continue to manifest a design to force or assault the centinel, he may then have recourse to his arms.

(17)

Whoever on board or on shore should give or accept a challenge, or receive private satisfaction, will subject himself to the decrees on those cases.

(18)

Whoever gets drunk shall be put in the stocks for four days, on a ration of bread and water per day, and if repeated frequently, his ration of spirits shall be stopped till he amends, and every time he commits this vice, he shall be ducked six times from the main yard arm of the vessel.

(19)

All individuals belonging to the sea service are prohibited to secrete or destroy the registers, charter parties, cockets, or bills of lading of the cargo, or other documents belonging to the vessels they search, under pain of ten years imprisonment and hard labour to warrant officers, seamen and marines, and privation of employ to any other person; and it is also prohibited, the forcing or extorting any thing from the captain, passengers, or crew of the vessels they search, under pain of privation of employ or exemplary punishment, which may be extended to death, according to the merits of the case, and the sentence of a Court Martial.

(20)

Whoever without the licence of the prize master should open any of the sealed hatches, closets, chests, bales, pipes, sacks, that contain merchandize, shall forfeit his share of prize-money, the vessel being condemned, and pay for the voyage; besides which he shall be tried as a thief, and sentenced by a Court Martial to imprisonment and hard labour, according to the results; and any one that robs the individuals of a prize of their clothes, or ill-treats them, shall be tried and sentenced by the same tribunal.

(21)

Whoever has charge of a prize shall be responsible for whatever is delivered to him, through his neglect or omission should be lost, under pain of privation of employ, and forfeiture of his share of prize-money, besides whatever duties, contributions, are demanded, or merchandize or effects belonging to the vessel should be embezzled shall be confiscated, although under the pretext of remunerating himself for services rendered relative to her.

(22)

No person of whatever rank, shall purchase or secrete any merchandize knowing them to belong to a prize, before she is legally condemned, under pain of restoring the articles purchased or secreted, and being fined the sum of three times their value, and corporeally punished according to the merits of the case.

(23)

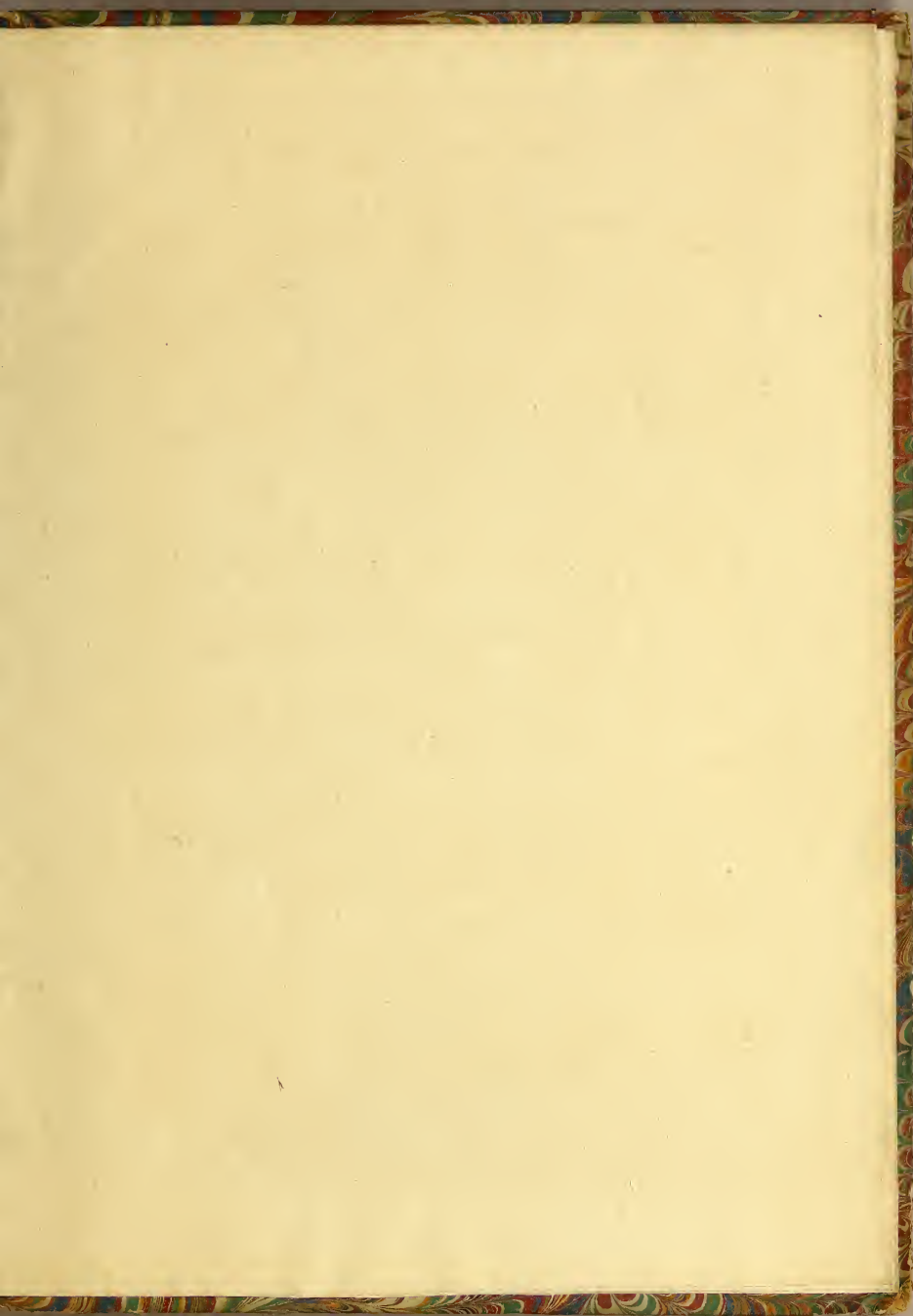
The punishment of stopping of spirits, stocks, irons, chains, sticks, and cannon, treated of in the beforementioned articles, may be inflicted by the commanders of privateers when at sea, but not in port, where their infliction rests exclusively with the Commander in Chief of Marine.

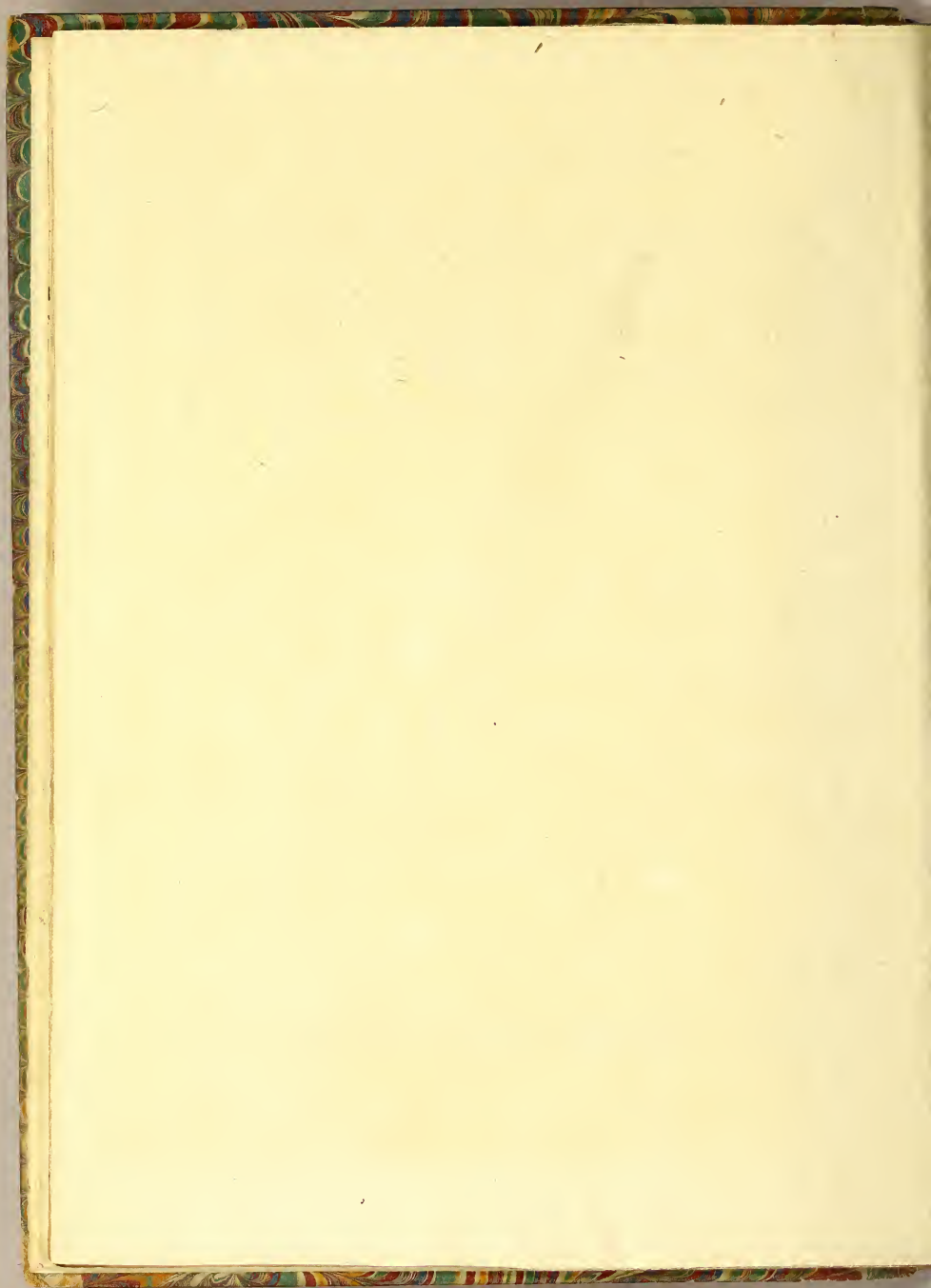
(24)

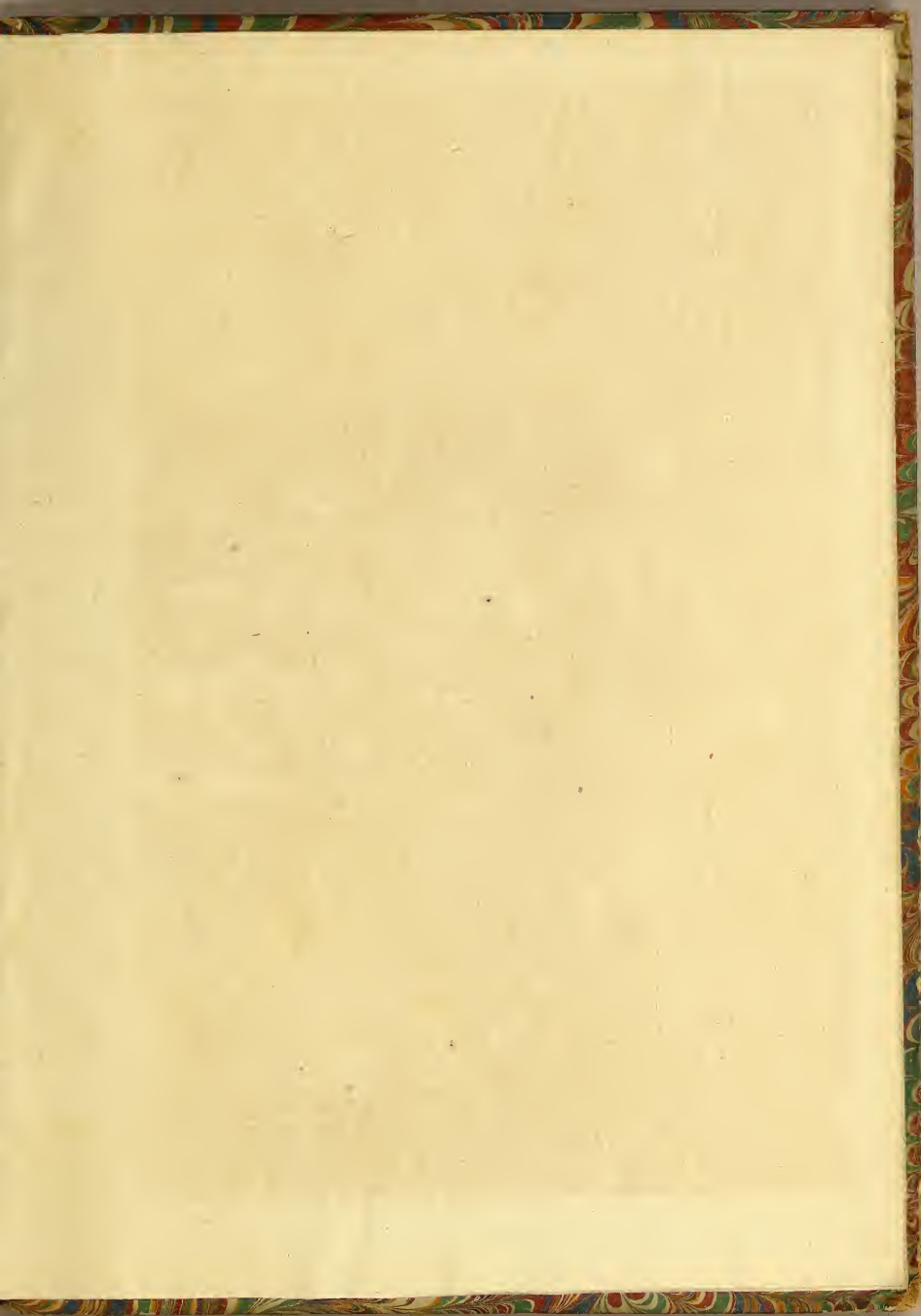
The lashes which are known by the name of the cannon, are to be inflicted with a whip or a point of the top gallant sail of the ship; but no punishment can be inflicted without the presence of the officer ordered and instructed by the commander in the degree of punishment to be inflicted: and any seaman that should refuse to obey the orders given him by the mate or boatswain to make fast the prisoner, or should refuse to give the lashes, shall suffer the same punishment.

F I N I S.

 EN LA IMPRENTA DE LOS EXPOSITOS.









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